

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FANGMAN, et al., : CASE NO. 1:15-cv-792

Plaintiffs, : Judge Susan J. Dlott

v. : **STIPULATION CONCERNING
PROTECTION OF NON-PARTY
BORROWER INFORMATION**

EMERY FEDERAL CREDIT UNION, : Defendant.

Defendant. :
:

Plaintiffs Gary and Ann Ratcliff, Shelly and Frank Palombaro, Melinda and David Alvarado, and Kevin and Jennifer McAlpin (“Plaintiffs”) and Defendant Emery Federal Credit Union (“Defendant,” and collectively, the “Parties”), by their counsel, stipulate as follows:

1. This Stipulation is entered into with reference to the Stipulated Protective Order for the Protection of Confidential Information (the “Protective Order”) signed by the Court on March 9, 2016 (Dkt. No. 233).

2. The Parties agree to add an additional category of documents and information that may be designated as Confidential pursuant to the Protective Order. Such documents or information, to be designated “Highly Confidential,” shall be subject to all of the same restrictions as are imposed on Confidential documents or information pursuant to the Protective Order, as well as the additional restrictions listed herein.

3. Documents or information designated as “Highly Confidential” may be shown to or discussed with the Parties, but may not be left or maintained in the Parties’ possession unless specifically agreed in writing by the designating Party as to specific documents or information. Rather, documents or information designated as “Highly Confidential” shall be maintained by

the Parties' outside counsel, including vendors retained by outside counsel. Provided, however, that Emery's counsel may provide information concerning Emery borrowers' loans—but not borrowers of other companies—to Emery personnel who are assisting with the defense of this Action.

4. The Parties and their counsel may not use the identities of or any non-public personal information concerning borrowers or consumers who are not parties to this Action, obtained from documents designated as "Highly Confidential," for any purpose outside of this litigation or the Maryland Action, and such documents will not be used to contact or solicit any such person except by leave of the Court in this Action.

5. It is anticipated that the "Highly Confidential" designation will be used for documents or information concerning borrowers or consumers who are not parties to this Action.

6. This stipulation is entered into in order to facilitate discovery in this Action and is made without any waiver by either Party except as expressly set forth herein.

Dated: October 26, 2016

Respectfully submitted,

/s/ Gregory M. Utter

Gregory M. Utter, Esq., #0032528
Keating Muething & Klekamp PLL
One East 4th Street, Suite 1400
Cincinnati, OH 45202
Phone: (513) 579-6540
Fax: (513) 579-6457
gmutter@kmklaw.com

/s/ Timothy F. Maloney

Timothy F. Maloney, Esq., *Pro Hac Vice*
Joseph, Greenwald & Laake
6404 Ivy Lane, Suite 400
Greenbelt, MD 20770
Phone: (301) 220-2200
Fax: (301) 220-1214
tmaloney@jgllaw.com

/s/ Michael Paul Smith

Michael Paul Smith, Esq., *Pro Hac Vice*
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Fax: (410) 821-0071
mpsmith@sgs-law.com

Attorneys for Plaintiffs

/s/ Michael Y. Kieval

Michael Y. Kieval, Esq., *Pro Hac Vice*
Weiner Brodsky Kider, PC
1300 19th Street NW 5th Floor
Washington, DC 20036
kieval@thewbkfirm.com

/s/ Carolyn A. Taggart

Carolyn A. Taggart, Esq.
Porter Wright Morris & Arthur, LLP
250 East Fifth Street Suite 2200
Cincinnati, OH 45202
CTaggart@porterwright.com

Attorneys for Defendants

SO ORDERED:

Dated: 10/26/16



Karen L. Litkovitz
United States Magistrate Judge